

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2010-196-T

IN RE:	Petition of Charleston Portable Storage, LLC; Portable Storage of North Carolina, LLC; Upstate Storage Partners, LLC; and Portable Storage and Moving of Columbia, LLC for a Declaratory Judgment))))))	ANSWER TO PETITION FOR DECLARATORY JUDGMENT
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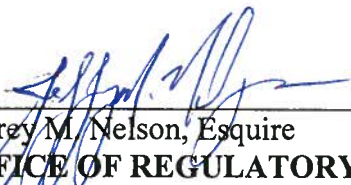
Pursuant to 26 S.C. Code Ann. Regs. 103-830 (Supp. 2009), and other applicable law, the Office of Regulatory Staff (“ORS”) respectfully submits this Answer in response to the Petition for Declaratory Judgment of Charleston Portable Storage, LLC, Portable Storage of North Carolina, LLC, Upstate Storage Partners, LLC and Portable Storage and Moving of Columbia, LLC (collectively, “Petitioners” or “PODS”) dated June 9, 2010, and filed with the Public Service Commission of South Carolina (“Commission”) in the above referenced matter. In support of said Answer, ORS would respectfully show the following:

1. ORS admits the allegations contained in Paragraph (A) of the Petition in that the Petitioners are franchises of the PODS Corporation and are all duly certificated as Household Goods Carriers by the Commission. ORS has no direct knowledge or information regarding the facts alleged by PODS concerning its business practices or the operations and procedures employed by Petitioners in South Carolina.
2. ORS admits the allegations of Petitioners contained in Paragraphs (B) and (C) of the Petition regarding 49 U.S.C. Section 14501 and 49 U.S.C. Section 13101 (12) (C) and

that said federal laws provide for the exclusion of portable storage motor carriers from federal regulation when the household goods containers or trailers are entirely loaded and unloaded by persons other than employees or agents of the motor carrier. Despite the specific language contained in S.C. Code Ann. §58-23-20 (Supp. 2009) pertaining to the regulation of intrastate carriers of persons or property for compensation in South Carolina, the Commission adopted the "limited service exclusion" of 49 U.S.C. Section 13101 (12) (C) as being applicable to South Carolina intrastate carriers in Commission Order No. 2010-91 issued January 27, 2010.

3. Based on the assertions contained in the Petition, which are nearly identical to those made by U-Haul Company of South Carolina in Docket No. 2009-141-T, and in light of the Commission's adoption of the federal laws in this area as being applicable to intrastate carriers in South Carolina in Order No. 2010-91, ORS concurs with the Petitioners that they are entitled to a Order of the Commission providing that they are not subject to the jurisdiction of the Commission.

WHEREFORE, as the allegations in the Petition and precedent established by the Commission in Order 2010-91 establish that Petitioners are exempt from regulation as a household goods carrier in South Carolina, ORS does not contest or object to the Petition for Declaratory Judgment in this Docket.



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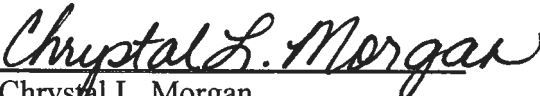
June 11, 2010
Columbia, South Carolina

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2010-196-T

IN RE: Petition of Charleston Portable Storage, LLC;)
 Portable Storage of North Carolina, LLC;) **CERTIFICATE OF**
 Upstate Storage Partners, LLC; and Portable) **SERVICE**
 Storage and Moving of Columbia, LLC for a)
 Declaratory Judgment

This is to certify that I, Chrystal L. Morgan, have this date served one (1) copy of the **ANSWER TO PETITION FOR DECLARATORY JUDGEMENT** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

David Popowski , Esquire
Popowski Law Firm, LLC
Post Office Box 1064
Charleston, SC, 29402


Chrystal L. Morgan

June 11, 2010
Columbia, South Carolina